

Exhibit 33

From: [Daniel Garrie](#)
To: [Chris Springer](#); [Gail Andler \(judgeandler@icloud.com\)](#); [Anne Lieu](#)
Cc: [Kutscher Clark, Martie](#); [Stein, Deborah L.](#); [Swanson, Alexander](#); [Mumm, Laura C.](#); [Snyder, Orin](#); [Buongiorno, Matt](#); [Anne Davis](#); [Benjamin Gould](#); [David Ko](#); [Derek Loeser](#); [Lesley Weaver](#); [Matt Melamed](#); [Falconer, Russ](#); [Cari Laufenberg](#); [Josh Samra](#); [Sarah R. Skaggs](#); [Michael Mann](#)
Subject: RE: JAMS Access New Message Notification for In re: Facebook, Inc. Consumer Privacy User Profile Litigation (Special Master)- Ref #1200058674.
Date: Thursday, January 13, 2022 10:08:04 PM

[WARNING: External Email]

Counsel,

We have reviewed your submissions and we declare impasse on the following two issues.

1. Plaintiffs' refusal to produce documents in response to RFP Nos. 31-34, which seek documents sufficient show Plaintiffs' off-Facebook social media posts that are substantially similar to personal family photos or videos and personal perspectives on politics, religion, relationships, work, and family that Plaintiffs shared on Facebook and the privacy settings for such social media posts.
2. Plaintiffs' refusal to respond to Facebook's Interrogatory Nos. 15-16, which ask Plaintiffs to identify certain apps and devices they know were used by their Facebook friends.

For each item at impasse Facebook is the moving party. The timing is to be reduced by four days for each phase prior to the motion to reconsideration. I want to reiterate that my deadlines as Special Master are driven by the timeline that Judge Chhabria and Judge Corley have set for the case. It is certainly not my intention, but I am without discretion to alter the substantial completion deadline and related deadlines

Judge Gail Andler (ret.) and Daniel Garrie



Daniel Garrie, Esq.
Arbitrator, Forensic Neutral,
Technical Special Master

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From: Chris Springer <cspringer@KellerRohrback.com>
Sent: Thursday, January 13, 2022 10:36 PM
To: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Daniel Garrie <DGarrie@jamsadr.com>; Anne Lieu <alieu@jamsadr.com>
Cc: Martie Clark (MKutscherClark@gibsondunn.com) <MKutscherClark@gibsondunn.com>; Deborah Stein <DStein@gibsondunn.com>; aswanson@gibsondunn.com; Laura Mumm <LMumm@gibsondunn.com>; Orin Snyder <osnyder@gibsondunn.com>; mbuongiorno@gibsondunn.com; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Russ Falconer <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Josh Samra <jsamra@bfalaw.com>; Sarah R. Skaggs <sskaggs@KellerRohrback.com>
Subject: RE: JAMS Access New Message Notification for In re: Facebook, Inc. Consumer Privacy User Profile Litigation (Special Master)- Ref #1200058674.

Dear Judge Andler and Special Master Garrie,

With respect to Facebook's message below, Plaintiffs agree that the parties are at impasse with respect to items 1 and 2.

Plaintiffs do not agree that the parties are at impasse with respect to the Rule 26 damages disclosures and, as Facebook knows, plan to supplement those disclosures this week.

Best regards,

Chris

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From: [NoReply-Message@jamsaccess.com](mailto>NoReply-Message@jamsaccess.com) <NoReply-Message@jamsaccess.com>
Sent: Friday, January 7, 2022 6:42 PM

To: Chris Springer <cspenger@KellerRohrback.com>

Subject: JAMS Access New Message Notification for In re: Facebook, Inc. Consumer Privacy User Profile Litigation (Special Master)- Ref #1200058674.



Dear Chris,

You have a new message within the JAMS Access for case: In re: Facebook, Inc. Consumer Privacy User Profile Litigation (Special Master)- Ref #1200058674.

Sender: Martie Kutscher

Subject: Impasse Items

Message:

Dear Special Master Garrie:

As requested, Facebook identifies the following issues that are at impasse:

1. Plaintiffs' refusal to produce documents in response to RFP Nos. 31-34, which seek documents sufficient show Plaintiffs' off-Facebook social media posts that are substantially similar to personal family photos or videos and personal perspectives on politics, religion, relationships, work, and family that Plaintiffs shared on Facebook and the privacy settings for such social media posts.
2. Plaintiffs' refusal to respond to Facebook's Interrogatory Nos. 15-16, which ask Plaintiffs to identify certain apps and devices they know were used by their Facebook friends.

We additionally believe the parties may be at impasse regarding Plaintiffs' Rule 26 damages disclosures and, as you saw, we have reached out to Plaintiffs to confirm that.

Thank you,
Martie

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Thanks,
JAMS Access Team

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